

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 902 - SB 1334

April 22, 2021

SUMMARY OF ORIGINAL BILL: Authorizes the Department of Safety (DOS) to provide the annual handgun carry permit report to the members of the General Assembly electronically.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (007553): Deletes all language after the enacting clause. Enacts the Second Amendment Privacy and Protection Act of 2021. Creates a class E felony offense for a state or local government entity, official, employee, or agent to knowingly create or maintain a registry of firearm or firearm accessories or transmit such to the federal government. Specifies the exceptions of such. Authorizes civil action as a result of violation. Prohibits the state funding of a state department or local government that commits such an offense for each fiscal year. Stipulates a severability clause.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Article 1, Section 26 of the Tennessee Constitution states, "That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime."
- Pursuant to the Second Amendment of the United States Constitution, "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."
- Currently, the state government and local governments do not maintain a record, database, registry, or collection of records of ownership or possession of any firearm, antique firearm, ammunition, ammunition component, weapon, or firearm accessory beyond those listed as exemptions to this legislation.
- There will not be a sufficient number of civil actions brought against government entities for state or local government to experience any significant increase in expenditures.

- Pursuant to Tenn. Code Ann. § 39-16-403(c), a public servant acting under color of office or employment commits a Class E felony offense if such person intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, when the public servant knows the conduct is unlawful.
- According to information provided by the Administrative Office of the Courts, there have not been any convictions under this provision in the last three years.
- There will not be a sufficient number of Class E felony prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- There will not be a sufficient number of state entities or local governments that will violate these provisions to impact state funding.
- This legislation will not significantly impact courts' caseloads. Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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